

R277-206 was approved by the Utah State Board of Education on August 7, 2015. R277-206 is published in the September 1, 2015 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 8, 2015.

**R277. Education, Administration.**

**R277-206. Drug Related Offenses.**

**R277-206-1. Authority and Purpose.**

~~[A.](1)~~ This rule is authorized ~~[under]~~by:

(a) Utah Constitution Article X, Section 3<sub>1</sub> which vests general control and supervision over public education in the Board~~;~~<sub>1</sub>

(b) ~~[by]~~Section 53A-6-306<sub>1</sub> which directs the Board to adopt rules regarding UPPAC duties and procedures~~;~~ and

(c) ~~[by]~~Subsection 53A-1-401(3)<sub>1</sub> which allows the Board to adopt rules in accordance with its responsibilities.

~~[B.](2)~~ The purpose of this rule is to establish procedures for disciplining educators regarding drug related offenses.

~~[C.](3)~~ The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

**R277-206-2. Action by the Board if a Licensed Educator Has Been Convicted of a Drug Related Offense.**

~~[A.](1)(a)~~ If as a result of a background check, it is discovered that a licensed educator has been convicted of a drug related offense in the previous ten years, the ~~[following]~~minimum conditions described in this Subsection (1) shall apply~~;~~<sub>1</sub>.

(~~[1]~~~~b~~) ~~[e]~~One conviction--a letter shall be sent to the educator informing the educator of the provisions of this rule~~;~~<sub>1</sub>.

(~~[2]~~~~c~~) ~~[t]~~Two convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical assessment and recommended treatment following the second conviction~~;~~<sub>1</sub>.

(~~[3]~~~~d~~) If the most recent conviction was more than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, the Board shall send a letter of warning to the educator~~;~~<sub>1</sub>.

(~~[4]~~~~e~~) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical treatment, the Board shall send a letter of reprimand to the educator and a letter to the district with notice of treatment~~;~~<sub>1</sub>.

(~~[5]~~~~f~~) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical treatment, UPPAC or the Board may initiate an investigation of the educator based upon the drug offenses~~;~~<sub>1</sub>.

(~~[6]~~~~g~~) Three convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical treatment following the third conviction~~;~~<sub>1</sub>.

(~~[7]~~~~h~~) If the most recent conviction was more than five years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, the Board shall send a letter of warning to the educator~~;~~<sub>1</sub>.

(~~[8]~~~~i~~) If the most recent conviction was less than three years prior to the discovery

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of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, the Board shall send a letter of reprimand to the educator and send a copy of the letter of reprimand to the educator's employer~~[-and]~~.

~~([9])~~j) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical assessment and recommended treatment, UPPAC shall recommend suspension of the educator's license to the Board, subject to the educator's right to a hearing under Rule R277-202.

~~[B-]~~(2) This rule does not preclude more serious or additional action by the Board against an educator if circumstances warrant it.

### **R277-206-3. Board Action Towards an Individual Who Does Not Hold Licensing.**

~~[A-]~~(1)(a) If as a result of a background check, it is discovered that an applicant has been convicted of a drug related offense within ten years of the date of the background check, the~~[following]~~ minimum conditions described in this Subsection (1) shall apply~~[-]~~.

~~([1])~~b) ~~[e]~~One conviction--the individual shall be denied clearance for a period of one year from the date of the conduct giving rise to the charge~~[-]~~.

~~([2])~~c) ~~[f]~~Two convictions--the individual shall be denied clearance for a period of three years from the date of the conduct giving rise to the most recent charge and the applicant shall present documentation of clinical assessment and recommended treatment before clearance shall be considered~~[-and]~~.

~~([3])~~d) ~~[g]~~Three convictions--the individual shall be denied clearance for a period of five years from the date of the conduct giving rise to the most recent charge.

~~[B-]~~(2) UPPAC or the Board may require the applicant to present documentation of clinical assessment and recommended treatment and may recommend denial of clearance.

**KEY: educators, disciplinary actions, drug offenses, background checks**

**Date of Enactment or Last Substantive Amendment: ~~[July 8,]~~2015**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-1-401(3)**